

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

D'ANGELO A. GRAVES,

Plaintiff

v.

C.A. No.: 4:14-cv-672

PRAIRIE DOG TREATS, LLC,
d/b/a PRAIRIE DOG PET PRODUCTS, a Colorado corporation;
PGT HOLDINGS, LLC,
d/b/a PRAIRIE DOG PET PRODUCTS, a Texas corporation;
IRA GOLDFARB, an individual; and,
SCOTT STEVENS, an individual,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, D'ANGELO A. GRAVES, by and through his undersigned counsel, hereby sues Defendants, PRAIRIE DOG TREATS, LLC, d/b/a PRAIRIE DOG PET PRODUCTS,¹ PGT HOLDINGS, LLC, d/b/a PRAIRIE DOG PET PRODUCTS,² IRA GOLDFARB, and SCOTT STEVENS, and in support thereof states as follows:

1. Plaintiff brings this action for overtime compensation and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b).
2. Plaintiff is an individual residing in Fort Worth, Texas.
3. Defendant, PRAIRIE DOG TREATS, LLC, is a corporation formed

¹ Hereinafter referred to as PRAIRIE DOG TREATS, LLC.

² Hereinafter referred to as PGT HOLDINGS, LLC.

and existing under the laws of the State of Colorado and maintains offices in Houston and Fort Worth, Texas.

4. Defendant, PGT HOLDINGS, LLC, is a corporation formed and existing under the laws of the State of Texas and maintains offices in Houston and Fort Worth, Texas.

5. Defendants, IRA GOLDFARB and SCOTT STEVENS, are individuals who at all times relevant to this matter acted directly or indirectly in the interest of Defendants, PRAIRIE DOG TREATS, LLC, and PGT HOLDINGS, LLC, in relationship to Plaintiff, as joint employers as defined by 29 U.S.C. § 203(d).

6. This Court enjoys federal question jurisdiction under 28 U.S.C. § 1331, since this claim arises under federal law, and by the private right of action conferred in 29 U.S.C. § 216(b).

7. Venue is proper in this district under 28 U.S.C. § 1391(b)(1) because Defendants PGT HOLDINGS, LLC and PRAIRIE DOG TREATS, LLC have offices located in Houston, Texas.

8. At all times material to this complaint, Defendants, PRAIRIE DOG TREATS, LLC, and PGT HOLDINGS, LLC, collectively employed two or more employees and had an annual dollar volume of sales or business done of at least \$500,000.00.

9. At all times material to this complaint, Defendants, PRAIRIE DOG TREATS, LLC, and PGT HOLDINGS, LLC, were an enterprise engaged in interstate commerce, operating a business engaged in commerce or in the production of goods for commerce as defined by § 3(r) and 3(s) of the Act, 29 U.S.C. §§ 203(r)-(s).

10. At all times material to this Complaint, the Defendants acted jointly as employers of the Plaintiff and, as a matter of economic reality, Plaintiff was dependent upon each Defendant for his employment.

11. Defendants are “wage chiselers,” avoiding the overtime provisions of the FLSA by having employees work overtime hours for a nominally “separate” employer, but all the while actually working for the Defendants as a collective “enterprise” as that term is defined under 29 U.S.C. §§ 203(r)-(s).

12. Additionally, Plaintiff was individually engaged in commerce and produced goods for commerce and his work was directly and vitally related to the functioning of Defendants’ business activities. Specifically, Defendants are in the business of producing pet products that are sold over the internet and through retailers throughout the United States. Plaintiff sanded antlers and prepared them to be sold in interstate commerce.

13. Plaintiff worked for Defendants from August 20, 2013, through November 13, 2013, as a “sander” in Grand Prairie, Texas.

14. During one or more weeks of Plaintiff's employment with Defendants, Plaintiff worked in excess of 40 hours (overtime hours).

15. Defendants failed to act reasonably to comply with the FLSA, and so Plaintiff is entitled to an award of liquidated damages in an equal amount as the amount of unpaid overtime pay pursuant to 29 U.S.C. § 216(b).

16. Defendants have willfully failed to pay Plaintiff one and one-half times his regular rate of pay for each overtime hour worked. Defendants either knew about or showed reckless disregard for the matter of whether their conduct was prohibited by the FLSA and failed to act diligently with regard to their obligations as employers under the FLSA.

17. The acts described in the above paragraphs violate the Fair Labor Standards Act, which prohibits the denial of overtime compensation for hours worked in excess of 40 per workweek.

18. As a result of Defendants' unlawful conduct, Plaintiff is entitled to actual and compensatory damages, including the amount of overtime which was not paid that should have been paid.

19. Plaintiff is entitled to an award of reasonable and necessary attorneys' fees, costs, expert fees, mediator fees and out-of-pocket expenses incurred by bringing this action pursuant to 29 U.S.C. § 216(b) and Rule 54(d) of the Federal Rules of Civil Procedure.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, D'ANGELO A. GRAVES demands Judgment against Defendants, PRAIRIE DOG TREATS, LLC, PGT HOLDINGS, LLC, IRA GOLDFARB, and SCOTT STEVENS, jointly and severally, for the following:

- a. Unpaid overtime wages found to be due and owing;
- b. An additional amount equal to the amount of unpaid overtime wages found to be due and owing as liquidated damages;
- c. Prejudgment interest in the event liquidated damages are not awarded;
- d. Reasonable attorneys' fees, costs, expert fees, mediator fees and out of pocket expenses incurred by bringing this action pursuant to 29 U.S.C. § 216(b) and Rule 54(d) of the Federal Rules of Civil Procedure; and,
- e. Any such other relief as the Court may find proper, whether at law or in equity.

JURY TRIAL DEMAND

Plaintiff, D'ANGELO A. GRAVES, demands a jury trial on all issues so triable.

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Respectfully submitted this 17th day of March, 2014,

By:

ROSS LAW GROUP, P.C.



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